

QUID NOVI

McGill University, Faculty of Law
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CONGRATULATIONS TO
ALL THE MCGILL LAW
STUDENTS WHO JUST
ACCEPTED GREAT JOBS!



QUID NOVI

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EDITORIAL

by **Andrea Gorys (Law II)**
Co-Editor-in-Chief

Last week it seemed like everyone was running on caffeine: there were Bus Ass assignments, Admin Pro assignments, the Shakespeare Moot, Skit Nite, JLSA Coffee House, and interviews and cocktails galore for the last week of recruitment, to name only a few of the things that were taking up McGill Law students' time. Wouldn't it be nice if we could think of this week as a "recovery week"?

Unfortunately, with exams right around the corner, recovery is the last thing on most peoples' minds. This week many of us will probably be found scurrying around the city, stocking up on highlighters for all that highlighting we didn't do over the semester, staking out our "exam spot" in the Second Cup in the ghetto (newly renovated for exams – how thoughtful of them!) and beginning to harass our professors with all of the questions that popped up in our minds over the course of the term that we never asked in class.

As we get ready to start the exam period however, I think it is important to keep some perspective - and to at least make an attempt to keep our stress barometers from skyrocketing out of control. Making some time to relax, whether by watching a ½ hour of TV every day, walking to school or going for coffee with that friend that you have really been meaning to catch up with, can really contribute towards improving your quality of life and general mental health during finals. You could even take time out to write an article for the last issue of the Quid, coming up next week (deadline this Thursday at 5pm)!

Best of luck with your upcoming last week of classes...and happy highlighting!

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Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
<http://www.law.mcgill.ca/quid/epolicy/html>.

Contributions should preferably be submitted as a .doc attachment.

SORRY, I DON'T SPEAK LATIN LAW

By Léonid Sirota (Law II)

JOKE CORNER

Last time I checked, the official languages of Canada were French and English. OK, maybe Franglais too. But Latin wasn't on the list. So, fluent in French and Broken English, and capable of at least understanding Franglais, I felt quite secure as a Canadian. Not so anymore. It seems that Latin is now *the* official language of Canada, and I find this disquieting.

Too bad I don't speak Latin the way Stephen Harper and Jean Charest do. Sure, I spent four years in high school learning to translate Latin texts into French, and by the end of it could manage some Caesar or maybe even Cicero... with a dictionary anyway. But that was a while ago now. In any case, I somehow feel that Messrs. Harper and Charest are no Caesars. And yet, hearing them speak of "solving the fiscal imbalance," I have the impression that Sir Steve and Sir John are discussing their finding of the Holy Grail. Too bad I don't understand what this is all about.

To me, "solving the fiscal imbalance" is but a worrisome string of Latinisms. Faced with it, my immediate reaction was an aching desire to translate them into what I used to think was one of the official languages of Canada. Given just how rusty my Latin was, this was not very easy. But I think I found the right phrase in English.

That phrase is "bail out." If you don't trust my translation skills, consider the fol-

lowing story.

Once upon a time, there were two good pals, named Steve and Johnny. Johnny wasn't really poor, but was very fond of spending beyond his means. As a result of his rather extravagant lifestyle, Jean has run into financial trouble. And because he was much better at whining than at controlling his spending urges, Jean decided that whining his way to more money to spend was the way to get of it. And here's when Steve came in.

Steve was a captain of a catamaran, badly assembled to an obsolete American design from two hulls of unequal sizes, so that it constantly rolled rightwards. The catamaran, and its components before it, had been sailing on rough seas and against contrary winds for 12 years. Every time it tried to come to dock, it was denied by port authorities. Captains were thrown overboard and new ones brought in their place several times, but to no avail. Even Steve's first attempt came to naught. But at long last, Steve was successful. Ashore, inebriated with the feeling of land under his feet, Steve got hold of the money spared by the port authorities whom he got to replace and began spending it, quite naturally, like a drunken sailor.

Because nobody except the catamaran's crew was really happy with Steve's new role, he was very afraid of being put on his ship and

pushed to sea again. Then Steve saw Johnny, wandering 'round the docks and whining, and he offered him plenty of money, if only Johnny would help him stay on firm land.

In short, it's a story of a guy with plenty of money who gives some to a guy who doesn't have enough to pay for his foolish expenses. Now that looks a lot like a bailout, doesn't it? But doesn't it also look a lot like the story of Stephen Harper and Jean Charest?

Too bad these not-always-right and usually-less-than-honourable gentlemen don't call things by their proper names. Who knows, maybe if they spoke a language the voters can understand, be it English or French, they wouldn't need to try buying their majorities and could spend some time making at least half-decent policies. But as long as they speak Latin to us, we'll be much better off with other leaders - those who speak a language we can understand, however accented it might be. ■

The devil visited a lawyer's office and made him an offer. "I can arrange some things for you," the devil said. "I'll increase your income five-fold. Your partners will love you; your clients will respect you; you'll have four months of vacation each year and live to be a hundred. All I require in return is that your wife's soul, your children's souls, and their children's souls rot in hell for eternity."

The lawyer thought for a moment. "What's the catch?" he asked.

A client who felt his legal bill was too high asked his lawyer to itemize costs. The statement included this item:

"Was walking down the street and saw you on the other side. Walked to the corner to cross at the light, crossed the street and walked quickly to catch up with you. Got close and saw it wasn't you. --- \$50.00."

A gang of robbers broke into a lawyer's club by mistake. The old legal lions gave them a fight for their life and their money. The gang was very happy to escape.

"It ain't so bad," one crook noted. "We got \$25 between us."

The boss screamed: "I warned you to stay clear of lawyers -- we had \$100 when we broke in!"

SUNSHINE ARTICLE

by Alison Glaser (Law II)

Ever hear the expression "do what I say not what I do"? This article is a big fat wad of that. First years, I have some advice for you: next year, DO NOT overextend yourself by volunteering for too much. You know how it is. You get to the end of first year, you think "gee that wasn't so bad. Maybe I can do that pro bono thing next year. And volunteer at the legal clinic. And work for the Journal. And work for a prof. And sit on the executive of the Human Rights Working Group. And take 18 credits so I can finish in 3 years". Sounds ridiculous when you have it all in black and white, no? But I guarantee that many of you are considering doing just this. Don't be fooled. Don't be lulled into a false sense of security. Because come next March/April, you will be cursing yourself. Much like a certain shiny person we all know.

Now, of course, I got this very advice last year, from many different people. My friends in second year warned me. My friend at NYU law warned me. Prof. Van Praagh warned me. But did I listen? No. and now I have barely been home or slept or anything and am trying to balance about 15 different obligations at once. I have had to tell numerous people things like "I can only meet for 15 minutes at 6:30 on Tuesday". Or things like "I cannot come during the following 13 days". It is horrible. I constantly feel like a bad

person. And, really, I need to get some sleep.

But Ali, I hear you ask, you always tell us to get involved in stuff and not just to take law school so seriously. True enough my friends, true enough. But there is a critical mass of things you can get involved in without becoming totally crazed. Don't do nothing, but also remember that you can't do *everything*. Think about what you really, really want to do. What would your law school experience not be complete without? Make yourself a balancing test with different factors and subfactors. Remember that you still have another year and a half to do other things. Remember you are not superman (or triplicate girl, who was a marvel comic heroine who could split herself in three so could be in three places at once; sounds like a lame power when you are a kid but like an awesome power when you are an adult). Also remember that you need to have some fun. Make sure at least one of your activities is something that you enjoy, maybe something non-law-related. Try to think about what your schedule will be like for next year and plan accordingly.

Ok, I think I will cut this one short. I need to go work on an assignment, then judge a moot, then pack for an Advocacy conference, then work on a report about Orientation and read my Senate documents. Yeah, do what I say, not what I do. ■

UN RETOUR AUX SOURCES, UN RETOUR À LA RÉALITÉ

by Claude Lévesque (LAW II)

Durant la semaine de lecture, j'ai décidé de faire un voyage assez particulier. J'avais soudainement envie de retourner à mes racines et de voir ma terre natale, Haïti. Je savais que ce voyage allait être riche en émotion. Cependant, je n'avais aucune idée à quel point ce voyage allait changer ma vision du monde, du droit et de moi-même. Une dame m'a dit, un jour, que l'on ne peut pas vraiment savoir à quel point un voyage change une personne tant qu'elle n'en est pas revenue. Elle avait bien raison.

Je n'avais pas encore quitté Montréal que déjà il y avait des choses qui me frappaient.

Assis confortablement dans mon siège de vol nolisé (eh oui, ça existe des « *charter flights* » qui sont confortables), je réalisais que je n'étais déjà plus une minorité. En effet, la majorité des passagers étaient noirs et parlaient la même langue, le créole. Deuxième choc, à mon arrivée, il faisait 31°C. C'était 62 degrés plus chaud qu'à mon départ de l'aéroport Trudeau. Mais quelle arrivée! Dès que je suis sorti de l'avion, j'ai senti le souffle chaud de ma terre natale. Mes narines chatouillées par ces arômes tropicales dont si souvent j'avais essayé de me

souvenir m'indiquaient que j'étais bel et bien arrivé à destination.

Avant mon départ, j'étais anxieux. Il y avait tellement de rumeurs et de nouvelles sur l'insécurité du pays. Quand on parle d'Haïti, c'est de l'instabilité politique, des kidnappings, de la corruption et de la faim que l'on discute. Mais c'est une tout autre Haïti que j'ai trouvée. Oui, il y avait de ces éléments négatifs. Cependant, c'est une image qui triste n'est pas l'ensemble de ce que l'on retrouve en Haïti. C'est une Haïti peut-être mal en point que j'ai vu, mais c'est aussi une Haïti résiliente, fière et pleine d'espoir que j'ai rencontrée.

Mes premières journées ont été consacrées à faire du bénévolat à un hôpital où travaille une de mes amies. L'hôpital se trouve tout juste à l'extérieur de Port-au-Prince, la capitale du pays, dans une région appelée Tabarre. L'hôpital est dédié à soigner les enfants pauvres des bidonvilles environnantes. Si je vous raconte la souffrance que j'ai vue dans les yeux de certains de ces enfants, vous ne pourriez pas me croire. J'ai rencontré un petit garçon nommé Peterson qui avait 14 ans. Pourtant, parce qu'il est né avec le sida, il avait le corps

LAW JOKE CORNER

A GOLFER HOOKED HIS TEE SHOT OVER A HILL AND ONTO THE NEXT FAIRWAY. WALKING TOWARD HIS BALL, HE SAW A MAN LYING ON THE GROUND, GROANING WITH PAIN.

"I'M AN ATTORNEY," THE WINCING MAN SAID, "AND THIS IS GOING TO COST YOU \$5000."

"I'M SORRY, I'M REALLY SORRY," THE CONCERNED GOLFER REPLIED. "BUT I DID YELL 'FORE'."

"I'LL TAKE IT," THE ATTORNEY SAID.

WHAT'S THE DIFFERENCE BETWEEN GOD AND AN ATTORNEY?

GOD DOESN'T THINK HE'S AN ATTORNEY.

HOW MANY LAWYERS DOES IT TAKE TO CHANGE A LIGHTBULB?

NONE, THEY'D RATHER KEEP THEIR CLIENTS IN THE DARK.

WHAT DO YOU CALL A SMILING, SOBER, COURTEOUS PERSON AT A BAR ASSOCIATION CONVENTION?

THE CATERER.

d'un enfant de 5 ou 6 ans. J'ai été touché et chagriné par cette souffrance. Pourtant, ce qui a brisé mon cœur a été de penser à tous les Canadiens et Canadiennes qui passent leur temps à se plaindre du système de santé au Canada. Nous n'avons aucune idée à quel point nous sommes chanceux. Être canadien en 2007 veut dire que l'on fait partie des gens les plus fortunés de la planète. J'ai tenu dans mes bras des enfants orphelins qui ne demandent qu'à être aimés. J'ai mangé avec des enfants qui ne demandent qu'à avoir un peu de plaisir.

Après trois jours dans cet hôpital, j'ai eu besoin de prendre une pause... Donc, je me suis dirigé vers le nord du pays (Port-au-Prince est au Sud de l'île). J'ai pris l'avion en direction du Cap-Haïtien. Le Cap est une ville importante dans l'histoire d'Haïti. Tout près du cap se trouve la Citadelle, une forteresse construite en 1820 après la révolution. Cette forteresse se trouve à plus de 3000 pieds d'altitude. Dans un décor enchanteur, on dirait une construction de style inca. (Si jamais vous allez en Haïti, il faut visiter ce site historique, désigné comme faisant parti du patrimoine mondial par l'UNESCO.) Alors que je me trouvais au sommet de la forteresse et que je regardais autour de moi, j'ai pris conscience à quel point le peuple haïtien est un peuple fort. Nous avons accomplis plusieurs exploits. Par exemple, les Haïtiens ont mené la première révolte d'esclaves réussie dans l'histoire moderne; l'auteur des trois mousquetaires, Alexandre Dumas, est d'origine haïtienne, l'acteur

Sidney est de descendance haïtienne et sans oublier notre Wyclef Jean. Bref, sur cette montagne, j'ai redécouvert une fierté d'être haïtien!

Durant trois jours, je me suis promené dans différentes régions adjacentes au Cap-Haïtien. J'ai rencontré des gens avec une joie de vivre comme j'en ai rarement vu ici à Montréal. Malgré la misère et l'incertitude quant à leur prochain repas, les gens sont heureux de leur rien. Encore une fois, j'ai pensé à mon Canada et au nombre de fois que je me suis plaint d'un rien. J'ai réalisé durant ce séjour à quel point, JE suis chanceux de vivre la vie que j'ai. Je me suis souvenu de pourquoi je suis venu à McGill étudier le droit. Ce n'était pas pour décrocher la meilleure note ou le meilleur stage. Durant les études et avec tous les tracas de la vie occidentale, on perd de vue facilement les choses importantes. Il y a tellement de choses ici qui essaient d'avoir notre attention que nous ne n'arrivons plus à nous concentrer sur ce qui est important pour nous. En Haïti, parce qu'il y a si peu de superflus, il est possible d'apprécier l'essence même de la vie. Pour la première fois, durant mon voyage, je pouvais sincèrement dire qu'être pauvre peut en fait être une bénédiction.

Après cette visite au Cap, je suis retourné à Port-au-Prince pour vivre l'expérience du Carnaval et quelle expérience!! Pendant 3 ou 4 heures, j'ai dansé dans une foule de plusieurs dizaines de milliers de personne. À voir défilé les chars allégoriques, les groupes musicaux et les gens, j'ai vu la vraie force

d'Haïti. Cette force, c'est cette habileté à apprécier le moment présent sans peur du lendemain.

Le temps de le dire, j'avais passé 8 jours en Haïti. Il était déjà l'heure de revenir au pays de l'hiver. C'est, par contre, à mon arrivée à Montréal que je réalisais vraiment ce que je venais de vivre. Durant ce séjour, ce n'est pas un pays étranger que j'ai visité mais bien MON pays. J'avais eu peur d'être accueilli en étranger. C'est en fils que mère Haïti m'a reçu. J'ai deux chez moi. J'ai un terroir de grandeur et d'opportunités ici au Canada et une terre de chaleur tropicale à l'arôme de café en Haïti.

On dit que les voyages forment la jeunesse. Pour ma part, voyager c'est se trouver et s'épanouir. Je ne saurais dire à quel point ce voyage m'a changé. Chaque jour, je découvre que je ne vois plus les choses de la même façon. Maintenant, étudier et devenir juriste n'est plus une fin en soi mais bien un moyen d'accomplir autre chose. Après, ce voyage, je ne peux plus me définir par mon succès académique ou par le salaire ou l'emploi que j'aurai. Je veux plutôt me définir par ma contribution à l'épanouissement des autres.

Cet article est mon premier pas dans cette direction. N'hésitez pas me poser des questions sur ce voyage. ■

2007 CJLSA CONFERENCE

by McGill JLSA

On the weekend of January 19-21, 2007, nine McGill law students joined peers from law schools all across Canada for the 20th annual Canadian Jewish Law Students' Association conference, held at the Park Hyatt hotel in Toronto, Ontario. This year's conference, whose theme was "If Not Now, When? International Crises, Legal Responses and the Road Ahead," asked us to reflect on contemporary problems that touch both the Canadian and global Jewish communities, and to contemplate potential legal solutions to these issues. Fifteen guest speakers, among them a former Supreme Court Justice, high-profile lawyers, law professors, and politicians, talked about the work they've done standing up for human rights, fighting hate propaganda, and confronting media bias.

Friday evening's program featured a number of impressive speakers. First, Lyon Roth, a McGill Silver Medalist, former clerk for the Madame Justice Clair L'Heureux-Dube and Wachtellian and current First Vice-President at Merrill Lynch, spoke. Having attended the CJLSA's first conference twenty years ago as a student, Mr. Roth was thrilled

to see the large group of students that gathered at this year's event.

His remarks were followed by a discussion entitled "Confronting Ahmadinejad" by the Honourable Irwin Cotler. The speaker argued persuasively for international censure of the Iranian President. He encouraged letter-writing and fact-and-law-finding campaigns. Perhaps more moving, however, were the McGill professor's comments on the need for decisive action in Darfur.

Lastly, Justice John Major, formerly of the Supreme Court of Canada, addressed "Charter Rights in the Post-9/11 World." The speaker was charming and his quirky anecdotes and plain manner of speaking were welcome. Discussing his graduation from Concordia University in the 1950s, Major J recounted applying for a position with Bell Canada—then considered business grads' favourite destination. He blew the interview by not preparing for it, and ended up applying to law school. The moral, he explained, is that we should trust that life often provides us with blessings in disguise. The only disappointing moment in his remarks came when, in the context of his prepared comments, the Justice, re-

ferring to the 2002 Suresh case that he adjudicated, hesitated when pondering Mr. Suresh's country of origin—"probably Morocco or something" he decided after a few moments. The plaintiff was actually a Tamil Sri Lankan.

On Saturday morning, Professor Weinrib of the University of Toronto and Professor Rosenfeld of Cardozo Law School spoke about the Israeli Constitutional project and its historical background. Israel does not have a formal written constitution in one single document, but rather presently relies on a set of documents for constitutional purposes. There have been several attempts at drafting a single-document constitution for Israel, which have culminated in the present ongoing constitutional project.

Of interest to McGill's trans-systemically-minded students, we learned about how Israel's unique modern legal system draws influence from the Common Law, from the British Mandatory legal system and from Ottoman legal principles, as well as from Talmudic, Sharia and Canonical sources.

Professor Weinrib spoke about some of the differences that exist between how the Canadian

Supreme Court and the Israeli Supreme Court operate, inviting us to skim judgments of the latter on its website to better appreciate the value of its *Modus Operandi*.

Professor Weinrib also spoke about the reverence with which Israeli courts consider the opinions of the Canadian judiciary, with the Israeli Supreme Court often insisting that litigants present Canadian jurisprudence on the relevant topic.

We also learned about the contribution of the Jewish Community to the protection of rights in the lead up to the adoption of the 1982 Charter, as well as in its intervention in test cases.

Saturday's afternoon program and Sunday's morning program were equally engaging and enlightening, featuring speakers such as Dean Monahan, Ezra Levant, Leo Adler and the Honourable John Baird. The conference culminated with elections for next year's CJLSA executive board, who will organize next year's conference to be held in Montreal.

Find out more about the JLSA at <http://jlsa.mcgill.ca>.

**ATTENTION CANADIAN MCGILL STUDENTS
Rhodes Scholarships 2008**

Students with intellectual and academic attainment of a high standard, integrity of character, concern for social justice, the ability to lead and the energy to use their talents to the full should consider applying. Success in sports is not essential if applicants demonstrate in other ways the physical vigour required to make an effective contribution towards one's highest aims.

Eleven Rhodes Scholarships will be available to **Canadian students in the Fall 2007**. These Scholarships are tenable at Oxford University and are granted for two years with the possibility of extension for a third year. The **winners will be required to commence their studies in October 2008**.

To be eligible a candidate must:

be a Canadian citizen or a person domiciled in Canada;
have been born between October 2, 1983 and October 1, 1989;
except for medical students, have received an undergraduate degree before taking up the scholarship.

In order to receive McGill University's recommendation, applicants **must** participate in the *internal selection process* overseen by the Office of the Dean of Students.

Information sessions covering the requirements, application procedures and especially McGill's internal selection process are scheduled in the Spring and Fall.

SPRING INFORMATION SESSIONS:

**Monday, April 2, 2007: 3:30 – 4:30 p.m.
Room 5001, Brown Student Services Building**

**Tuesday, April 3, 2007: 11:30 a.m. – 12:30 p.m.
Room 5001, Brown Student Services Building**

**Thursday, April 5, 2007: 10:00 – 11:00 a.m.
Centennial Centre, Room CC1-132 (MACDONALD CAMPUS)**

2007 Rhodes Scholarships application forms will be distributed at the information sessions.

To reserve a place for one of the sessions, please contact:

Downtown Campus: Office of the Dean of Students
William and Mary Brown Student Services Building, Room 4100
Phone: (514) 398-3825 / E-Mail: Meghan.Mcculloch@mcgill.ca

OR

Macdonald Campus: Student Services Centre
Centennial Centre, Room CC1-132
Phone: (514) 398-7992 / E-Mail: StuServ.Macdonald@McGill.ca

VIVE LE QUÉBEC... SOUMIS?

by Alex Herman (LAW II)

As we approach the fortieth anniversary of those famous words uttered by Charles de Gaulle on the balcony of Montreal's Hotel de Ville, many will likely write about the effect they had on the rise of *québécois* separatism. Much will be said on the topic in the months to come, especially since the problem it raised has not gone away. Ink will be spilled by worthy opinion-makers using the event to bolster their argument, whatever slant, nationalist or federalist, that argument may take.

But how well do we know the speech? In our collective memory, we seem to have retained only four words – the ones that sent shockwaves throughout Canada, rallying francophones to a cause that had yet to find its mouthpiece and receiving backlash from the government in Ottawa. Any mention, from history books to op-ed pieces, seems to assume De Gaulle said little else.

What exactly was said on that warm day in July? Like any good orator, he begins by flattering his audience. He praises the development in industry, politics and society of the *révolution tranquille* that had taken place over the previous decade. The crowds cheer. The delivery hastens and the tension builds until he reaches his climax. "Vive Montréal!" he cries. The audience, worthy hosts of Expo 67, respond in an exclamation of civic pride. "Vive le

Québec," continues de Gaulle, then, interrupting himself, he slips in, almost as an afterthought, "Vive le Québec – libre." He continues, "Vive le Canada français!" And just as the swells from below escalate to crescendo, he reaches the finale, shouting, his face towards the sky: "Et vive la France!"

It seems unthinkable that a foreign leader could travel the world, hosted by sovereign countries, the guest of galas and cocktail parties, and finish each speech with such unabashed patriotic hubris. George W. Bush could never get away with it; going to Russia, Chile or Iraq and proclaiming, "God bless America." Even *he* knows a political leader should save that rhetoric for his fellow countrymen. But somehow, on July 24, 1967, the *montréalais* could not get enough of Charles de Gaulle.

The event should be appreciated in the context of de Gaulle's global policy. The General saw the post-1945 world divided along lines of influence. There was the U.S.S.R. and its satellites. There was western continental Europe. And there was *le monde anglo-saxon*, comprising the United States, England and, of course, Canada. Realizing that, in this period of decolonization, countries no longer maintained empires, de Gaulle still opted to assert French dominance wherever he saw fit. His new vision of empire had little to do with armies and

outposts: it used more subtle forms of control.

Only by destabilizing the spheres of the other powers could de Gaulle strengthen French grip around the world. He pulled France out of NATO's military alliance in 1966, forcing its headquarters to move from Paris to Brussels, because he refused to play second fiddle to the dominant partners in that group, the United States and Great Britain. He supported the Biafra rebels who had risen up against a post-colonial regime in Nigeria, still considered within the British sphere, hoping to strengthen the position of his own West African interests. He declined granting Britain entry into the European Economic Community (precursor to the European Union) on two occasions, fearing it would weaken France's control over the organization – since, with Germany divided, Italy rebuilding and Spain under the Franco torpor, France was free to exert its influence on the continent.

Finally we come to his blow at the heart of "Anglo-Saxon" North America. If the French-speaking minority could be riled up against their "occupiers", Ottawa would have to take heed of this vocal group, possibly shaking Prime Minister Pearson in his ties to the two great English powers: Canada's historical attachment to the UK, and its NORAD-era adherence to US defense policy. If de Gaulle could push the country's internal fault lines, at a time

when Pearson was bringing Canada onto the global stage, it would force the government to retreat back into itself – to focus more on domestic differences than on influencing the outside world. To a certain extent – if it weren't for a certain Minister of Justice at that moment considering his candidacy for the leadership of the Liberal Party – he almost succeeded.

These tactics are hardly new in international relations. To increase influence, weaken your enemies; to weaken enemies, inspire rebellion among their ranks; to inspire rebellion, offer the minority that which they do not currently have. It could be freedom, it could be economic success, it could be a brand new country. The key is to conceal actual motives, feign interest in minority rights and claim to represent those rights as a duty.

In the late thirties, while de Gaulle was still a colonel, Nazi Germany used the same tactic towards staggering success. To gain control over central Europe, Hitler inspired nationalist sentiment amongst the Sudetens and the Slovaks against the Czechs and amongst the Romanians and the Hungarians against the Russians. Each time it was done, there were ulterior motives – ones that did not become clear until it was too late. The respect of "minority rights" was used to take over Austria and the Sudetenland in 1938. "Over ten million Germans live in

two of the states adjoining our frontiers," claimed Hitler in his address to the Reichstag on February 20 of that year:

"Political separation from the Reich must not lead to deprivation of rights – that is, the general right to self-determination. It is unbearable for a world power to know there are racial comrades at its side who are constantly being afflicted with the severest suffering."

The Fuehrer's argument was steeped in the ideal of injustice. If the ethos of the Versailles Treaty is to be respected, all peoples should be able to administer themselves and be granted statehood. If particular minorities were being persecuted, the help of the Fatherland was required:

"To the interests of the German Reich belong the protection of those German peoples who are not in a position to secure... political and spiritual freedom by their own efforts."

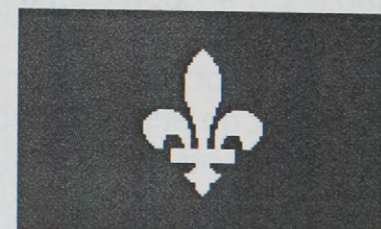
Nearly thirty years later, was de Gaulle not preaching a similarly false doctrine of emancipation? Did he not envisage a new Empire of French-speakers, governed furtively from Paris, upon which the sun would never set? In many ways, those neo-imperialist goals were reached: French is still the language of power in countries from North Africa to Vietnam, baguettes and *La vache-qui-rit* cheese is sold on the streets of Pondicherry and Phnom Penh, and one of the most powerful and far-reaching television network on the planet is French-sponsored TV5 Monde, a multi-billion dollar company, bestowing francophones everywhere with up-to-the-minute news from the Palais de l'Élysée and red carpet coverage of the newest Depardieu premiere.

Closer to home, the policy worked in Quebec. *Souverainistes* leaders have always shown a subservient allegiance to the Hexagon. The Mighty Lévesque, a veritable tidal wave on the Canadian scene, was transformed into a plying sycophant whenever he met with French leaders. The images of Jacques Parizeau in the month leading up to the 1995 Referendum are unforgettable, stumbling up the steps of the Élysée, a smile on his face, nervous and giddy, as though he were being called to the headmaster's office for kissing the prettiest girl in school. And finally, all the hullabaloo in the Quebec media this year about an offhand comment on Quebec sovereignty by a candidate for the Republic's Presidency. The image of the domineering father country has yet to be fully erased.

If the comparison between one of the primary figures in modern French history – the man who fought tirelessly against the Nazis, organizing the *résistance* and eventually forcing the German army out of his beloved France – and

Hitler seems grossly unfair, it was de Gaulle himself who used analogies of similar proportions. Just before his famous 1967 speech, on his chauffeured ride from *la capitale nationale* to Montreal, he is quoted as saying: "tout le long de ma route, je me trouvais dans une atmosphère du même genre que celle de la Libération." It infuriated the federal government, as well as Canadians from coast to coast, to know that the President of a country they had helped to liberate twenty years earlier could use such inflammatory language.

The General, however, did not get the last word. A message would be sent, reserved but proud, in typical Canadian fashion. Pauline Vanier, the wife of former Governor General Georges Vanier who had fought in France with the 22^e battalion, passed a note to de Gaulle. On it only a date was written, simultaneously capturing signals of both failure and hope. "1940" The year of the fall of France, when the German army paraded through Paris after a battle that barely lasted a month, but also the year de Gaulle gave his famous radio broadcast from London, declaring to his beleaguered countrymen that the government was alive and well in exile. To this day, no one knows the exact meaning of the note.



KAWASKIMHON 2007: “Speaking With Knowledge”

by Claire Ezzedin (Law III) and Kate Zavitz (Law III)

Waiting your turn to contribute to a talking circle can be an intimidating experience. It is difficult to balance listening carefully to the contributions of others with shaping your own upcoming contribution. Listening skills are paramount in a talking circle, and intense concentration is essential.

We had the privilege of participating in this year's Kawaskimhon Aboriginal Rights Moot, hosted over the weekend of March 1st by the University of Manitoba's Robson Hall Faculty of Law. The word Kawaskimhon means “speaking with knowledge,” and the first moot was held in 1994 by the Native Law Students Association of the University of Toronto.

The Kawaskimhon Aboriginal Rights Moot is a unique experience. Forget what you know about mooting – for this somewhat mis-named ‘moot’ you need skills that go beyond pleading arguments based on a factum. The goal of Kawaskimhon is to reach consensus on a conflict involving Aboriginal parties, Aboriginal rights and ‘Aboriginal law’ (i.e. Canadian legal treatment of Aboriginal peoples).

Team members prepare for the moot by doing legal research and preparing a written submission, but there's

a twist: there are more sides than “Appellant” and “Respondent.” Every team represents a different party or stakeholder and must advocate for the interests of the party that they represent.

At the moot itself, parties don't present their arguments to a court, they present them to the other parties in order to open a negotiation process. Negotiations generally occur in a talking circle format. The process varies every year, but the goal of consensus remains the same. Every party has interests; some are held commonly, while others are adversarial. Participants must know their position, study the positions of the other participating parties, and know the various legal arguments inside out in order to participate effectively.

This year's moot problem was centred on a real case, the recent *Jenkinson* decision of the Manitoba Court of Queen's Bench. In this controversial decision, the Manitoba government's attempt to exempt reserve lands from provincial non-smoking legislation was declared unconstitutional; it was found that the provision exempting reserve lands from Manitoba's smoking ban discriminated against non Aboriginal business owners.

Our team was given the challenge of representing the interests of the Assembly of Manitoba Chiefs. In this role, we argued strenuously for the recognition of the aboriginal right to self-government; this forced us to face the frustrating state of Canadian jurisprudence on self-government and aboriginal rights. We also argued that the *Jenkinson* decision is based on a dangerous misinterpretation of s.15 of the Charter, and that if it is upheld, this decision threatens the future recognition of aboriginal rights.

But the Kawaskimhon experience is about more than learning the law. It is an event that incorporates aboriginal culture and practices, including prayer, ceremonial traditions and the participation of elders. Through the process, many participants shared their personal stories of growing up as member of First Nations, Metis and Inuit Nations. Elder Margaret Roscelli was an important presence at all events and participated insightfully in the negotiation process.

The moot provides an opportunity for learning, inspiration and networking among aboriginal students, professors and members of the legal community. At this year's banquet, Mr. Justice C.M. Sinclair, the first Aboriginal judge appointed in Manitoba, spoke powerfully about his life and the

personal challenges he has faced working within the legal system.

We felt privileged to be included in what is primarily an experience for and by Aboriginal law students, professors, professionals and citizens. We would like to thank Prof. Anker and Me. Lysane Cree for their patient coaching. We would also like to thank the Faculty for sponsoring our participation in the moot this year: this year marked the first year that McGill has participated in Kawaskimhon in consecutive years. We hope that this trend will continue.

Kawaskimhon 2008 will be hosted by Prof. Val Napoleon and the University of Alberta. Tryouts will likely be held as part of the Moot Run off on April 4 and 5.

Watch for further information about how the Kawaskimhon team will be selected. ■

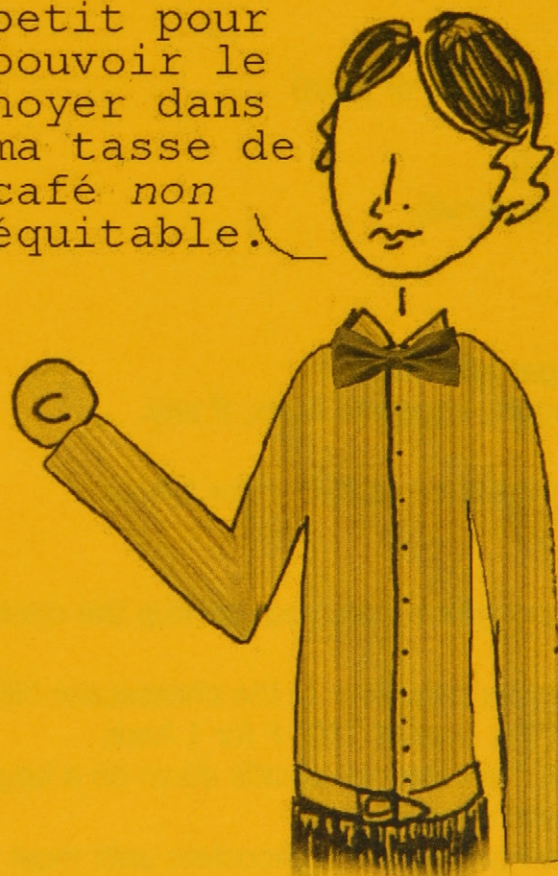
LES AVENTURES DU CAPITAINE CORPO- RATE AMERICA: (IM)POSITION FERME

par Laurence Bich-Carrière (Law III)

Pas si mal, les baisses
d'impôts, qu'est-ce que
tu en penses, Kenneth?



Je ne serai satisfait
qu'avec un *flat tax* à
12,5% et un État assez
petit pour
pouvoir le
noyer dans
ma tasse de
café non
équitable.



RECIPE FOR SUCCESS IV

by Caroline Briand (Law IV)

This is a (relatively) low-fat version of the classic cheesecake recipe, for those of us who don't attend Coffee Houses and sponsored cocktails often enough and worry about our arteries.

Fluffy Cheesecake

Crust:

1 1/2 cup Graham or ginger snaps crumbs
1/3 cup butter (at room temperature)

Preparation:

Mix all the ingredients and press onto the base of an 8" springform pan.

Filling:

2 x 250g light cream cheese blocks (at room temperature)
1 cup light ricotta cheese
3/4 cup sugar
3 tbs flour
2 tsp vanilla
1/2 cup low-fat yogurt (vanilla or plain)
3 eggs
1 cup berries (optional)
6 oz dark chocolate (optional)

Preparation:

Whip the cheese, sugar and flour.
Mix in the vanilla, yogurt, eggs and fruits, if any.
Pour onto the crust.
Bake in the centre of the oven at 350° F for 1 hour.
Serve chilled.

If you don't have a springform pan, you can skip the crust part, and bake the filling directly in a pyrex/glass pan:

Lightly oil an 8 x 8" pyrex pan. Pour in the cheesecake filling preparation.
Bake at the centre of the oven at 350° F for 1 hour.
Let it stand until cool. Turn the pan upside down on a large plate or on the counter, and gently remove the cheesecake.
Trim the edges to make them square.
In a saucepan, at low heat, melt the chocolate until most of it has melted and looks smooth, but stop when there are still little bits of solid chocolate (this step ensures that the chocolate cover will remain stable at room temperature afterwards).
Cover the cheesecake square with chocolate. Let it dry at room temperature.

You may also cut the cheesecake square into smaller cubes before covering them with chocolate in order to make bite-size portions.